

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
SEPTEMBER 15, 1997 - 7:00 P.M.**

ROLLCALL Answering rollcall were Members Faust, Hovland, Kelly, Maetzold and Mayor Smith.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Hovland and seconded by Member Maetzold to approve and adopt the Consent Agenda as presented.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

CONSTITUTION WEEK DECLARED IN EDINA Mayor Smith stated it is a privilege of all Americans to commemorate the two hundred ninth anniversary of the drafting of the Constitution of the United States with appropriate ceremonies and activities. He declared the week of September 17 through 23 Constitution Week in the City of Edina and encouraged all citizens to study the Constitution and to reflect on the privilege of being an American.

40th ANNIVERSARY OF EDINA ROTARY COMMENDED Mayor Smith reported the Edina Rotary Club has provided service to the Edina community for forty years and exemplified the Rotary goal of "Service Above Self." He commended the Club for its forty years of service and for its educational opportunities and health programs for young people, not only in Edina, but throughout the world.

Member Hovland introduced the following resolution and moved its adoption:

RESOLUTION

WHEREAS, the Edina Rotary Club has provided service to the Edina Community for forty years and exemplified the Rotary goal of "Service Above Self," and

WHEREAS, the Edina Rotary Club has provided tens of thousands of dollars to this community for various city and school projects; and

WHEREAS, the Edina Rotary Club has provided numerous education opportunities for young people in Edina and throughout the greater metropolitan area through Camp Enterprise and other Rotary sponsored education events; and

WHEREAS, the Edina Rotary Club has participated in the Rotary International Scholarship program which has afforded opportunities for higher education to many young people through its scholarship program which is the largest worldwide provider of scholarships funded from private dollars; and

WHEREAS, the Edina Rotary Club has participated in the Polio Plus Program whose goal is the eradication of polio throughout the world; and

WHEREAS, the Edina Rotary Club on September 25, 1997 will celebrate its fortieth anniversary.

NOW, THEREFORE, BE IT RESOLVED that the Edina City Council hereby congratulates and commends the Edina Rotary Club for its forty years of "Service Above Self" to the Edina community. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

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Resolution adopted.

Robert Solheim of Edina Rotary accepted the Resolution on behalf of the Club.

***MINUTES OF THE REGULAR MEETING OF SEPTEMBER 2, 1997, APPROVED** Motion made by Member Hovland and seconded by Member Maetzold approving the Minutes of the Regular Meeting of September 2, 1997.

Motion carried on rollcall vote - five ayes.

***FINAL DEVELOPMENT PLAN FOR 3917-3929 WEST 50TH STREET (EDINA PROPERTIES) CONTINUED TO OCTOBER 6, 1997** Motion of Member Hovland and seconded by Member Maetzold to continue the final development plan for 3917-3929 West 50th Street, Edina Properties, to October 6, 1997.

Motion carried on rollcall vote - five ayes.

FINAL DEVELOPMENT PLAN, FINAL PLAT AND REZONING GRANTED FOR VACANT LOT AT 77TH STREET, MINNESOTA DRIVE AND PARKLAWN AVENUE, SUPERIOR STORAGE LLC Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Planner

Planner Larsen informed Council the subject site is a vacant lot of 142,849 square feet located south of West 77th Street and west of Minnesota Drive. A portion of the site is zoned POD-2, with the balance of the site zoned PID. The office zoned parcel was originally part of the National Car site, but was separated from it by construction of the road linking West 77th Street with Minnesota Drive. There is a ponding area running the entire length of the property's southerly boundary.

Superior Storage LLC has submitted a plan that would rezone the office parcel into Industrial, replat the various parcels and develop the site with a mini-storage warehouse building.

Planner Larsen noted the proposed development complies with all PID District zoning ordinance requirements with one exception. The plan as presented meets building and parking setbacks, site coverage and floor area, building materials and landscaping requirements. The plan requests one variance, to allow outdoor storage of vehicles south and southeast of the proposed building. The parking would be used for RV storage. Outdoor storage is not permitted in the PID District in Edina's Zoning Code.

Planner Larsen reported the recommendations of the Planning Commission to approve the Final Development Plan, rezoning and replatting the subject site. The proposed development appears to be an excellent use of the property. Traffic generation should be low, especially during peak hours. Planner Larsen noted the proposed outdoor storage is a policy question, adding staff would support the request at this location. He continued that Edina Code discourages outdoor RV storage in residential areas and the proposed outdoor storage would provide an alternative. Planner Larsen concluded stating that staff would recommend waiving second reading of the rezoning and subdivision requests if Council chooses to approve the Final Development Plan.

Council Discussion/Action

Member Maetzold questioned the location of the site's access for ingress and egress. Planner Larsen explained the original access proposed was east of Parklawn and has been moved to align north/south with Parklawn Avenue after the Edina Engineering Department reviewed the plans.

Member Faust asked how storage clients would access their lockers, did the building have an elevator, the width of the drive aisle, if the exterior design would be similar to that proposed on Eden Avenue, and the potential height of the berm and landscaping on the south and east sides of the property. Planner Larsen stated the lockers are accessed from an interior drive aisle of approximately twenty feet in width, that the building has an elevator. The berm is proposed at three feet in height. He noted there is a pond on the entire south edge of the property and the developers intend to leave the existing trees along the pond and to plant arborvitae on top of the berm on the east edge. Planner Larsen added Todd Jones of Superior Storage is available to answer questions of Council dealing with specifics of the proposed mini-storage warehouse.

Member Hovland asked what was the overall height of the proposed mini-storage warehouse. Planner Larsen answered the building is approximately twenty-four feet in height which is under the Code requirements.

Member Kelly expressed concern about the City's ability to regulate outdoor storage if the proposed facility would be allowed to park RVs outdoors. He also asked why the storage is proposed to be handled via a variance instead of a conditional use permit. Planner Larsen answered staff believes in this case a variance would be appropriate because it affords a case-by-case review and would not set precedent. However, a conditional use permit, could be precedent setting by establishing conditions or "criteria" for conditional uses.

Mayor Smith asked about the adequacy of the right-of-way for future traffic needs in the area. He asked how large the road is proposed to be in the future. Engineer Hoffman replied it is anticipated the road would be a maximum of three lanes, one drive lane in each direction with a center lane for left turns. Engineer Hoffman added he had reviewed the proposal and suggested the Parklawn Avenue intersection alignment as shown on the development plan. He continued, stating the Parklawn Avenue intersection is proposed to have signals installed in 1999 when West 77th Street is reconstructed. When the signals are installed the cost of the signal and road reconstruction will be assessed to the benefited properties. In the case of the signal it appears the mini-storage location would be assessed for one fourth of the signal cost.

Todd Jones, Superior Storage, explained their proposed building will be 70% climate-controlled (heated and air conditioned). Because of the design of the building, the majority of the activity will be on the interior of the facility with minimal traffic. Mr. Jones noted that 80% of storage facility users reside within three miles of the facility and that 70% of users are residential with only 30% of the clients being small businesses. He continued explaining that allowing the outside storage of 42 RVs and boats makes the viability of this particular location very good.

Mr. Jones passed out graphics and photographs depicting the proposed arborvitae hedge and a similar hedge already in place at Bear Path in Eden Prairie. He added for security purposes there will be a chain link fence inside the hedge.

The Council briefly discussed with Mr. Jones various aspects of the proposed mini-storage including: the distance of the proposed berm from the eastern edge of the property, the potential for contamination from leaking RV engines, the proposed security of the facility and proposed staffing to oversee any problems. Mr. Jones indicated the facility will be staffed and inspected daily, and added the developer wants to work with the City to install a berm on the eastern edge of the property that would afford adequate screening of the outdoor storage.

Member Maetzold moved the adoption of Ordinance No.850-A12, waiving second reading:

**ORDINANCE NO. 850-A12
AN ORDINANCE AMENDING THE ZONING ORDINANCE (NO. 850)
BY REZONING PROPERTY TO PLANNED INDUSTRIAL DISTRICT (PID)
FROM PLANNED OFFICE DISTRICT (POD)**

THE CITY COUNCIL OF THE CITY OF EDINA, MINNESOTA, ORDAINS:

Section 1. Subsection 850.06 of Section 850 of the Edina City Code is amended by adding the following thereto:

“The extent of the Planned Industrial District (PID) is enlarged by the addition of the following property:

That part of Lot 2, Block 1, EDINA OFFICE CENTER, according to the recorded plat thereof, Hennepin County, Minnesota lying southerly and westerly of the westerly right-of-way of the West 77th Street as described in Document No. 1321642.

The extent of the Planned Office District-2 (POD-2) is reduced by removing the property described above from the Planned Office District.

Section 2. This ordinance shall be in full force and effect upon its passage and publication.

Passed and adopted this 15th day of September, 1997

Attest: _____
City Clerk

Mayor

Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Ordinance adopted.

Member Maetzold introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING FINAL PLAT FOR THE
EDINA OFFICE CENTER THIRD ADDITION**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that that certain plat entitled, “EDINA OFFICE CENTER 3RD ADDITION”, platted by the Superior Storage LLC, a limited liability company and presented at the regular meeting of the City Council on September 15, 1997, be and is hereby granted final plat approval.

Passed and adopted by the Edina City Council this 15th day of September, 1997.

Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

Member Maetzold introduced the following resolution and moved its adoption:

**RESOLUTION APPROVING FINAL DEVELOPMENT PLAN
FOR SUPERIOR STORAGE**

BE IT RESOLVED by the City Council of the City of Edina, Minnesota, that the Final Development plan dated August 12, 1997 for Superior Storage on West 77th Street presented at the regular meeting of the City Council on September 15, 1997, be and is hereby approved.

Passed and adopted by the Edina City Council this 15th day of September, 1997.

Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

VACATION OF UTILITY AND DRAINAGE EASEMENT FOR THE COVENTRY AT CENTENNIAL LAKES 7TH ADDITION GRANTED Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Engineer

Engineer Hoffman stated the request is for the vacation of easements placed by earlier plats on the Coventry. He noted staff and the appropriate utility companies have reviewed the request and do not oppose the vacation. Engineer Hoffman recommended approval of the vacation of the drainage and utility easement as requested, subject to any relocation required by Minnegasco being paid for by the developer.

Member Kelly introduced the following resolution and moved its adoption:

**RESOLUTION VACATING EASEMENT
FOR UTILITY AND DRAINAGE PURPOSES**

WHEREAS, a motion of the City Council, on the 18th day of August, 1997, fixed a date for a public hearing on a proposed vacation of an easement for utility and drainage purposes; and

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held on the 15th day of September, 1997, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said easement vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following described utility and drainage easement be and is hereby vacated effective as of September 15, 1997:

All that part of the DRAINAGE & UTILITY EASEMENT in OUTLOT A, THE COVENTRY AT CENTENNIAL LAKES 4TH ADDITION, according to the recorded plat thereof, Hennepin County, Minnesota, as dedicated by said plat, described as follows:

Beginning at the northwest corner of said OUTLOT A; thence on an assumed bearing of North 80 degrees 11 minutes 28 seconds East, along the northerly line of said OUTLOT A for 83.43 feet; thence southerly for 6.11 feet along a non-tangential curve concave to the west, radius 1040.72 feet and central angle 00 degrees 20 minutes 12 seconds, the chord of said curve bears South 08 degrees 37 minutes 27 seconds East; thence South 80 degrees 26 minutes 35 seconds West for 83.60 feet to the westerly line of said OUTLOT A; thence northerly for 5.75 feet along said westerly line along a non-tangential curve concave to the west, radius 1003.98 feet and central angle 00 degrees 19 minutes 42 seconds, the chord of said curve bears North 06 degrees 49 minutes 06 seconds West, to the point of beginning.

BE IT FURTHER RESOLVED that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.85. Member Faust seconded the motion.

Ayes: Faust, Hovland, Kelly, Smith

Abstaining: Maetzold

Motion granted.

ORDINANCE NO. 1997-11 ADOPTED, AN ORDINANCE AMENDING SECTION 850 TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE ZONING BOARD OF APPEALS

Planner Larsen informed the Council that granting Ordinance No. 1997-11, would amend the Zoning Ordinance allowing the Board of Appeals to hear "modifications" from requirements of the Antenna Ordinance. Volunteers would be solicited from present Boards to form a five-member "new" board. The Board would not have regularly scheduled meetings, but would only meet when requests were received.

Member Maetzold moved the adoption of Ordinance No.1997-11, waiving second reading:

ORDINANCE NO. 1997-11

AN ORDINANCE AMENDING SECTION 850

TO PROVIDE ADDITIONAL POWERS AND DUTIES OF THE

ZONING BOARD OF APPEALS

THE CITY COUNCIL OF THE CITY OF EDINA ORDAINS:

Section 1. Paragraph B of Subd. 1 of Subsection 850.04 of the City Code is amended by providing a new subparagraph 4 as follows:

4. Requests for modifications from the requirements of Section 815 of this Code.

Section 2. Effective Date. This Ordinance shall be in full force and effect on, and the effective date of this ordinance shall be September 16, 1997.

Attest: _____

City Clerk

Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

**_____
Mayor**

TRAFFIC SAFETY STAFF REVIEW OF SEPTEMBER 9, 1997, APPROVED Coordinator Bongaarts said residents had stated they would be in attendance at this meeting with concerns on an issue in Section C. The residents were not in attendance.

Member Kelly made a motion approving the Traffic Safety Staff Review of September 9, 1997, as recommended in Section A:

1. Recommend heavy use of speed monitor trailer both northbound and southbound on Wooddale Avenue south between West 54th Street and West 58th Street;
2. Leaving parking restrictions on the north side of West 64th Street to assist those leaving the driveway at 4701 West 64th Street (Art Center); and widening the "NO PARKING" restrictions on either side of the driveway;
3. Trailer mounted speed monitor be used at Olinger Boulevard to educate drivers regarding their speed; and
4. Request that letter be sent to all residents of Shannon Drive and Shannon Circle advising them of safety concerns regarding speed,

and to acknowledge Sections B and C. Member Hovland seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

***RESOLUTION AUTHORIZING EXECUTION OF DEPARTMENT OF PUBLIC SAFETY OVERTIME GRANT** Member Hovland introduced the following resolution, seconded by Member Maetzold and moved its adoption:

RESOLUTION

AUTHORIZING EXECUTION OF AGREEMENT

BE IT RESOLVED that the City of Edina Police Department enter into a cooperative agreement with the Minnesota Department of Public Safety for the project entitled, COMMUNITY-ORIENTED POLICING during the period January 1, 1998, through December 31, 1998.

Chief William Bernhjelm is hereby authorized to execute such agreements and amendments as necessary to implement the project on behalf of the City of Edina Police Department.

Motion carried on rollcall vote - five ayes.

RESOLUTION AUTHORIZING EXECUTION OF SUB-GRANT AGREEMENT Director Hoffman explained a resolution is required to enter into appropriate agreements with the Division of Emergency Management regarding Federal disaster program funds for the period June 28 through July 21, 1997. The program involves a 75% Federal share, 15% State share and 10% local share. The City is probably eligible for debris-clearance reimbursement and other costs related to damage during that time frame. The resolution identifies an individual to work through the State program with the appropriate Federal and State personnel.

Member Hovland introduced the following resolution and moved its adoption:

RESOLUTION AUTHORIZING

EXECUTION OF SUB-GRANT AGREEMENT

BE IT RESOLVED that the City of Edina enter into a Sub-grant Agreement with the Division of Emergency Management in the Minnesota Department of Public Safety for the program entitled Infrastructure Program for FEMA, 1187-DR-MINNESOTA.

Francis J. Hoffman, Director of Public Works, is hereby authorized to execute and sign such Sub-grant Agreements and amendments as necessary to implement the project on behalf of the City of Edina.

Motion seconded by Member Maetzold.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

RESOLUTION REQUESTING COUNTY ASSISTANCE IN OVERSIGHT OF MINNEHAHA CREEK WATERSHED DISTRICT Manager Rosland noted at the September 2, 1997, Council meeting, staff was directed to invite former Mayor Richards to attend the September 15, 1997, meeting and give background information as to the appropriateness of submitting the draft resolution as written.

Former Mayor Richards indicated the resolution, as written, is not strong enough. Edina has a very small portion of the total Minnehaha Creek Watershed District budget and the Board should be held accountable. Hennepin County requested information from the Board on a variety of subjects, they have not responded. He added of the 27 districts, 12 have submitted the resolution, as written. The Board is not doing anything illegal, they just need to be fiscally responsible and must respond to questions directed at them.

Manager Rosland noted a letter had been received by the County Attorney's Office from Hennepin County Commissioner Tambornino stating within Minnesota Statutes, 103D.101 subd. 1 (1), districts are established by the Board of Soil and Water Resources. Minnesota Statute 103D.311 subd. 1, states that annually managers appoint an advisory committee to advise and assist managers on all matters affecting the District and make recommendations to the managers on contemplated projects and improvements in the district. She further noted in her letter if difficulties arise within the District, concerns may not be answered because managers of the District appoint the advisory committee. She questioned whether the Hennepin Board of Commissioners has the authority to undertake an investigation as requested by the cities.

Member Kelly introduced the following resolution and moved its approval:

**RESOLUTION
REQUESTING COUNTY ASSISTANCE IN THE
OVERSIGHT OF THE MINNEHAHA CREEK WATERSHED DISTRICT**

WHEREAS, the City of Edina lies partly within the boundaries of the Minnehaha Creek Watershed District (MCWD); and

WHEREAS, the City has significant concerns that the MCWD has not demonstrated good governance in the conduct of its statutory responsibilities; and

WHEREAS, such concerns relate to such matters as: a lack of intergovernmental comity and cooperation; a failure to give timely, responsive, and reasonable consideration to public and private project applications; an apparent unwillingness to give fair consideration to alternatives for funding MCWD projects; the absence of sound, accurate and thorough budgeting; a lack of consistency in dealing with municipalities within the district; a failure to recognize limitations on legal authority of the District and to appreciate and accommodate local concerns; unreasonable restrictions on minor developments, redevelopments and public improvements; a failure to utilize professional staff effectively; excessive expenditure of public funds for administration, per diem, consultants and travel expenses; inflexible application and unreasonable interpretation of District rules; and the failure to evaluate fully the cost effectiveness of storm-water management and water quality improvements and structural and nonstructural alternatives to such improvements; and

WHEREAS, the actions of the District have resulted in: an unnecessary duplication of effort among political subdivisions; unnecessary delays and increased costs of development and redevelopment projects and public improvements; an extraordinary commitment of public money and staff resources in dealing with the District; an excessive tax burden on the citizens of the city;

delayed provision of needed public facilities; and a declining confidence in the governance of the affairs of the District; and

WHEREAS, a number of cities within the MCWD also lie within other watershed districts or participate in joint powers watershed management organizations where they have not experienced similar problems; and

WHEREAS, the City has no means of exercising control over the affairs of the MCWD for the benefit of the City and its citizens, and lacks the resources to monitor, oversee, and negotiate with the District independently;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Edina, that:

1. The Hennepin County Board of Commissioners is hereby requested to undertake a thorough investigation of the activities of the MCWD, to monitor and oversee the ongoing activities of the District, to facilitate dialog between the District and affected municipalities, to consider diligently the cost effectiveness of capital projects proposed by the District and structural and nonstructural alternatives to such projects prior to approval thereof, and to take such other actions as the County deems appropriate to ensure the accountability of the District and address concerns described above.
2. City staff is directed to explore with other cities in the watershed district joint and cooperative efforts to monitor and oversee the activities of the MCWD, in cooperation with Hennepin County.

Adopted by the City Council of the City of Edina the 15th day of September, 1997.

Motion seconded by Member Hovland.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

STAFF DIRECTED TO RESEARCH PERMITTING CONSUMPTION OF STRONG BEER AT BRAEMAR GOLF COURSE Assistant Manager Hughes noted on September 2, 1997, the Council considered the recommendation by the Park Board with respect to the consumption of strong beer at Braemar Golf Course. The Council directed staff to prepare additional information concerning the consumption or sale of alcoholic beverages at City facilities and outline alternatives for Council consideration.

Assistant Manager Hughes presented a table summarizing where various types of alcoholic beverages may be sold or consumed on City owned properties.

The difference between "consumption" and "sale" is consumption refers to the act of consuming alcoholic beverages on City properties whether or not the beverage was purchased from the City. "Sale" refers to the sale of beverages pursuant to a license issued by the City. The City's current ordinances and practices as well as possible amendments to the City Code and licensing procedures are as follows:

- Code permits 3.2 beer and wine to be consumed at 1) golf course clubhouses, 2) Inside Edinborough Park, Park Centrum or other indoor facilities (e.g. Arneson Acres), not park shelters, ice arenas or maintenance buildings, or 3) within the ballfield complex at Van Valkenburg Park

Code requires that 3.2 beer or wine consumed at the above locations must be dispensed by the City or an authorized agent of the City.

- City may apply for a license, 1) at locations described above, or 2) locations permitted to be licensed by our liquor ordinance.

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The City may issue temporary 3.2 beer licenses (three day duration) to a number of facilities including City properties. Four of these may be issued for any one location per calendar year and not more than two may be issued to the same organization per calendar year. Special tournaments at Van Valkenburg Park have been licensed and either the City or sponsoring organization has applied for and received the permit. In the case of the sponsoring organization, they must post liability insurance naming the City as an insured party.

- Rental by private parties and organizations of Edinborough, Park Centrum and the Braemar Room, the City allows serving 3.2 beer and wine by City personnel or by Park Department approved beverage services. Liability insurance must be posted if a beverage service is used. Since consumption but not sale is permitted, the beer or wine must be given away by the host of the event. Sale is not permitted under any means.
- No sale or consumption of strong beer or intoxicating liquor is permitted on City property, only 3.2 beer or wine as previously described.
- Three things would need to change if consumption of strong beer or intoxicating liquor were permitted on City property:
 1. If consumption of strong beer were permitted in the same locations 3.2 beer and wine are permitted, an amendment to Code Section 1230 would be necessary.
 2. If consumption of strong beer were permitted on the golf course, a clarification to Code Section 1230 would be necessary to allow a "beer cart" or "beer stand" on golf courses but the sale of strong beer would not be allowed unless the liquor ordinance was modified.
 3. If the Council wished to allow consumption of strong beer at Braemar, Edinborough, or the Park Centrum but not other City facilities such as Van Valkenburg Park, Code Section 1230 could be amended to provide this.
- If selling strong beer or wine at City facilities were permitted, regulations of these sales would be by State law and the State Liquor Control Commission. Our liquor ordinance cannot be less restrictive than State law. Any expansion in the locations and type of beverage which may be sold is more complex than changes in our consumption regulations.
 1. To sell strong beer, an establishment must possess a 3.2 beer and wine license. To qualify for a wine license, an establishment must be a "restaurant" having seating capacity for not fewer than 30 guests. Braemar's Clubhouse is a restaurant within the meaning of State law and would be eligible for a wine license. No other City facility qualifies as a restaurant.

It is unclear whether the City could sell strong beer and wine on the golf course itself even if a wine license were issued to Braemar's Clubhouse. State law infers that wine licenses are limited to confined, "sit-down" restaurants. Our liquor ordinance would need amending in order to clarify that outdoor sales of strong beer and wine are allowed.

Issuance of a wine license to Braemar would increase the City's responsibilities as a license holder; i.e. "wine managers" would need to be: licensed, complete an annual alcohol awareness training course, and 60% of Clubhouse sale must be from the sale of food.

2. The City operates a municipal off-sale liquor store. State law permits establishment of an on-sale municipal liquor store as well. Code could permit establishment of municipal on-sale operations and then create on-sale establishments at Braemar, Edinborough, Park

Centrum or other appropriate locations. State law would permit the sale of liquor, i.e. spirits at such establishments. The Council could set policy limiting sales to wine and strong beer. The option would provide the greatest latitude to the City as compared with other alternatives.

Assistant Manager Hughes said staff recommends additional research be done because of the potential liability issues and resultant effect on insurance coverages.

Following a brief Council discussion, **Member Kelly made a motion directing staff to do additional research and draft an ordinance amendment allowing consumption of strong beer at City Parks and to investigate the potential liability to the City.** Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly

Nays: Maetzold, Smith

Motion carried.

***PETITION RECEIVED REQUESTING STREET NAME CHANGE AND SETTING PUBLIC HEARING DATE OF OCTOBER 20, 1997** Motion made by Member Hovland and seconded by Member Maetzold acknowledging receipt of petition from residents on Green Farms Court and Green Farms Road requesting a street name change and setting a public hearing for October 20, 1997, and to refer the petition to staff to follow our normal process.

Motion carried on rollcall vote - five ayes.

CLAIMS PAID Member Maetzold made a motion to approve payment of the following claims as shown in detail on the Check Register dated September 10, 1997, and consisting of 27 pages: General Fund \$325,117.91; Communications \$10,323.60; Working Capital \$29,532.13; Art Center \$5,557.96; Swimming Pool Fund \$19,709.82; Golf Course Fund \$32,883.23; Ice Arena Fund \$10,988.33; Gun Range Fund \$40.60; Edinborough/Centennial Lakes \$22,684.16; Utility Fund \$120,916.35; Storm Sewer Utility Fund \$10,629.35; Recycling Program \$42,082.89; Liquor Dispensary Fund \$201,250.85; Construction Fund \$197,607.97; Park Bond Fund \$386,273.66; TOTAL \$1,415,598.81; and for confirmation of payment of the following claims as shown in detail on Check Register dated September 9, 1997, and consisting of two pages: General Fund \$129,175.88; Working Capital \$631.36; Storm Sewer Utility fund \$75.00; Liquor Dispensary Fund \$61,447.17; I-494 Commission \$575.00; TOTAL \$191,904.41. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

There being no further business on the Council Agenda, Mayor Smith declared the meeting adjourned at 9:45 P.M.

City Clerk

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